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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 413,444	10 06 1999	JONATHAN D. ALBERT	INK-069	2022

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EXAMINER

LESTER, EVELYN A

ART UNIT	PAPER NUMBER
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2873

DATE MAILED: 03/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/413,444

Applicant(s)

ALBERT ET AL.

Examiner

Evelyn A. Lester

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment and letter filed 1-7-02.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7,9,12-39,92,94 and 98-101 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,9,12-39,92,94 and 98-101 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Information Disclosure Statement

1. Due to the extensive number of related U.S. patent applications listed in the IDS filed on 2-16-00, and the age of many of the applications, it is respectfully requested by the Examiner that the Applicants update the status of their related applications and provide those that are now issued patents to be listed on another PTO-1449. It should also be noted that any application files not available to the Examiner can not be considered, until such time a copy of the application be provided, especially those that are not yet published but are indicated as allowed.

Indicated Allowable Subject Matter Withdrawn

2. The indicated allowability of claims 6, 11, 17, 35, 36, 92 and 94 (or the new corresponding claims of 1 and 98-101) is withdrawn in view of the newly discovered reference(s) to Albert et al (U.S. patent 6,067,185). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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3. Claims 1-3, 5-7, 9, 12-26, 31-39, 92, 94 and 98-101 rejected under 35 U.S.C. 102(e) as being clearly anticipated by Albert et al (U.S. patent 6,067,185).

Albert et al discloses the claimed invention of an electrophoretic element or display as noted for example, at column 6, lines 35-40; column 8, lines 41-57; column 9, line 65 to column 12, line 26; column 21, lines 26-57; and column 21, line 63 to column 23, line 11.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albert et al (U.S. Patent 6,067,185).

Albert et al discloses the claimed invention as discussed previously, except for explicitly teaching a means for applying the necessary electric field. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize such common micro electronic elements such as a transistor (which is notably a silicon based element) or a diode, since it was known in the art, as taught by Albert et al at column 7, lines 13-17 and lines 22-24, that a voltage source is connected to the electrodes of the element or display in order to provide the desired electric field, and would have been obvious to one of ordinary skill in the art, a voltage source typically has a circuit design with at least a transistor and/or a diode to control the level of

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voltage applied and/or the need to switch the voltage, as Albert et al indicates. An example of an electrophoretic element or display which well teaches the use of transistors and/or diodes of various materials and configurations, the Applicants should note Turner et al (U.S. Patent Publication 2001/0045934 A1, which has an effective filed date of March, 18, 1997).

Response to Arguments

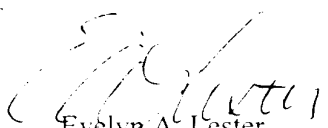
5. Applicant's arguments with respect to the currently pending claims 1-3, 5-7, 9, 12-39, 92, 94, 98-101 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to E.A. Lester whose telephone number is (703) 308-4943. The examiner can normally be reached on Monday-Friday from about 9:30 am to 6 pm (subject to an extended flex schedule).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps, can be reached on (703) 308-4883. The fax number for Technology Center 2800 is (703) 308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.


Evelyn A. Lester
Primary Examiner
AU 2873
March 14, 2002